



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 22, 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Arthur Bramwell
c/o Kings County Republican Committee
32 Court Street, #10
Brooklyn, New York 11202-4404

RE: MUR 4648
Arthur Bramwell

Dear Mr. Bramwell:

On June 23, 1997, the Kings County Republican Committee ("KCRC") was notified that the Federal Election Commission found reason to believe that it and its treasurer violated 2 U.S.C. §§ 433(a), 434(a)(1) and 441b(a), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). On August 29, 1997, you submitted a response to the Commission's reason to believe findings on behalf of the KCRC.

Upon review of the information contained in your response, and other information in the Commission's possession, the Commission, on December 9, 1997, found that there is reason to believe you violated 2 U.S.C. § 432(h)(1), a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Statements should be submitted under oath. All responses to the enclosed Order to Submit Written Answers must be submitted to the General Counsel's Office within 30 days of your receipt of this letter. Any additional materials or statements you wish to submit should accompany the response to the order. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this order. If you intend to be represented by counsel, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notification or other communications from the Commission.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General

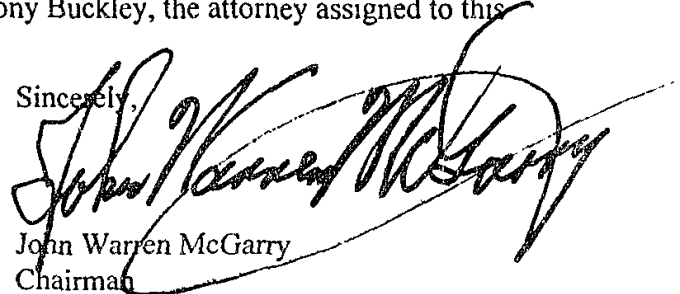
Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

If you have any questions, please contact Tony Buckley, the attorney assigned to this matter, at (202) 219-3690.

Sincerely,

A large, stylized handwritten signature in black ink, which appears to read "John Warren McGarry". The signature is written over the printed name and title.

John Warren McGarry
Chairman

Enclosures
Order
Designation of Counsel Form
Factual and Legal Analysis

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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MUR 4648

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ORDER TO SUBMIT WRITTEN ANSWERS

TO: Arthur Bramwell
c/o Kings County Republican Committee
32 Court Street, #10
Brooklyn, New York 11202-4404

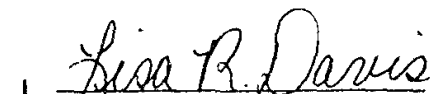
Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order. Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, within 30 days of receipt of this Order.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his
hand in Washington, D.C. on this 19th day of December, 1997.

For the Commission,


John Warren McGarry
Chairman

ATTEST:


for Marjorie W. Emmons
Secretary to the Commission

Attachments
Instructions
Definitions
Questions

INSTRUCTIONS

In answering these interrogatories, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any communications or other items about which information is requested by any of the following interrogatories, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1994 to the present.

The following interrogatories are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all employees, agents or attorneys thereof.

"Committee" shall mean the New York Republican Federal Campaign Committee.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

QUESTIONS

1. Regarding the \$5,000 in cash obtained by you through the negotiation of a check issued by the Committee on November 7, 1994 to the Kings County Republican Committee,

- a) state the number of persons to whom you personally distributed any portion of that \$5,000;
- b) identify each person to whom you personally distributed any portion of that \$5,000 in amounts of \$100 or greater. *Include in each identification the specific amount distributed, and the date and time of day and your location when the money was distributed; and*
- c) with respect to the persons identified in response to 1.b. above, identify each person to whom they personally distributed any portion of the above-specified money. *Include in each identification the specific amount distributed.*

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Arthur Bramwell

MUR: 4648

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. *See* 2 U.S.C. § 437g(a)(2).

A. Applicable Law

Pursuant to 2 U.S.C. § 432(h)(1), no disbursement may be made by a political committee in any form other than by check drawn on the committee's account at its designated campaign depository, except for disbursements of \$100 or less from a petty cash fund. The Commission has previously found reason to believe that individuals other than the treasurer of the committee in question have violated 2 U.S.C. § 432(h)(1).

B. Analysis

The New York Republican Federal Campaign Committee ("Committee") initially reported the purpose of six disbursements totaling \$60,000 on its 1994 30-Day Post-General Report as for "election day expenses." The disbursements were made to Jeffrey T. Buley, David R. Dudley, Mary F. Obwald, Gregory V. Serio, Luther Mook and the Kings County Republican Committee ("KCRC"). The use of the phrase "election day expenses" is not a sufficient description for reporting the purpose of a disbursement, pursuant to Commission regulations. On April 24, 1995, the Committee filed an amended 1994 30-Day Post-General Report, on which it changed the purpose for the disbursement to the KCRC as "GOTV - Travel Expense Reimbursement and Catering Costs."

Information in the Commission's possession suggests that the checks to Jeffrey T. Buley, David R. Dudley, Mary F. Obwald, and Gregory V. Serio were cashed and the cash was distributed as "walking around money." Because the Committee has amended its report to provide a similar purpose for the disbursement to the KCRC, it is reasonable to assume that the KCRC check was also cashed and the funds distributed to others. It is also possible that the cash was distributed in amounts of \$100 or more. A check of \$5,000 is unlikely to have come from a petty cash account. Arthur Bramwell negotiated the check on behalf of the KCRC and thus appears to have taken part in the distribution of the cash.

Therefore, as a result of his apparent role in distributing cash on behalf of the Committee, after having obtained the cash from a Committee check, there is reason to believe that Arthur Bramwell violated 2 U.S.C. § 432(h)(1).